

51 1. (Eight times amended.) A method for manufacturing a coherent piece of raw meat from smaller pieces of raw meat, comprising the steps of:

massaging and/or tumbling smaller pieces of meat with one or more edible salts such that the proteins of the smaller pieces of meat solubilize and exude from the salt treated pieces of meat and a layer of meat and a layer of exudate of solubilized proteins forms on and covers the surfaces of the pieces of meat;

mixing an acidifying agent into the layer of exudate of solubilized proteins to selectively denature and coagulate the solubilized proteins such that the smaller pieces of meat are mutually joined and holding the pieces of meat against each other to form the coherent piece of meat,

thereby forming an adhesive layer between the pieces of meat as the solubilized proteins denature under influence of a decrease in pH resulting from the addition of the acidifying agent, and

wherein the pH decrease is obtained by adding an additive causing a delayed acidification in the layer with solubilized proteins, said additive selected from the group consisting of gluconodeltalacton and an encapsulated edible acid.

REMARKS

In the Decision On Appeal dated February 12, 2003, the Board affirmed a rejection under 35 U.S.C. § 112, second paragraph, yet on the basis of a new ground of rejection. In particular, according to the Board, the application lacks sufficient definiteness regarding whether the claimed subject matter involves the characteristics of "substantially retains the properties of unprocessed raw meat because proteins present in the smaller pieces of meat substantially do not denature". That phrase within claim 1 indicates the properties which results from practicing the claimed method. As stated in the preamble of claim 1, the present invention is directed to a method for manufacturing a coherent piece of raw meat from smaller pieces of

raw meat. Accordingly, the end product of the method of claim 1 is a coherent piece of raw meat.

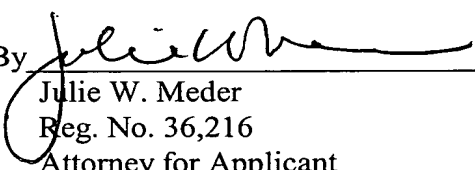
As such, the phrase objected to by the Board inherently occurs. Raw meat is not denatured, hence, the pieces of raw meat must retain the properties of unprocessed raw meat and the pieces of raw meat must not be denatured. Nevertheless, the objectionable phrase has been deleted from claim 1 to obviate the new grounds of rejection posed by the Board.

Applicant's position regarding the patentability of claims 1, 3, 9-12 and 14-20 over the Weiss et al. and Weiner patents is unchanged. Neither of those patents alone, or in combination, teach or suggest the elements of claim 1 of massaging or tumbling smaller pieces of meat, solubilizing and exuding proteins from the meat pieces, forming a layer of the solubilizing and exuded proteins on the surfaces of the meat pieces, denaturing and coagulating the solubilized and exuded proteins and adhering the meat pieces together under decreased pH and in order to manufacture a coherent piece of raw meat from smaller pieces of raw meat. In view of the amendment to claim 1, allowance of claims 1, 3, 9-12 and 14-20 is respectfully requested.

Respectfully submitted,

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MARKED-UP VERSION OF CLAIM 1

1. (Eight times amended.) A method for manufacturing a coherent piece of raw meat from smaller pieces of raw meat, comprising the steps of:

massaging and/or tumbling smaller pieces of meat with one or more edible salts such that the proteins of the smaller pieces of meat solubilize and exude from the salt treated pieces of meat and a layer of meat and a layer of exudate of solubilized proteins forms on and covers the surfaces of the pieces of meat;

mixing an acidifying agent into the layer of exudate of solubilized proteins to selectively denature and coagulate the solubilized proteins such that the smaller pieces of meat are mutually joined [but themselves substantially retain the properties of unprocessed raw meat because proteins present in the smaller pieces of meat substantially do not denature,] and holding the pieces of meat against each other to form the coherent piece of meat,

thereby forming an adhesive layer between the pieces of meat as the solubilized proteins denature under influence of a decrease in pH resulting from the addition of the acidifying agent, and

wherein the pH decrease is obtained by adding an additive causing a delayed acidification in the layer with solubilized proteins, said additive selected from the group consisting of gluconodeltalacton and an encapsulated edible acid.